



State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use
Changed Purpose of Use
Changed Point of Withdrawal
Changed Season of Use

PRIORITY DATE
August 5, 1964

WATER RIGHT NUMBER
G3-01508(A)

MAILING ADDRESS
DESERT HILLS HOMEOWNERS ASSOCIATION
P.O. BOX 850
MOSES LAKE, WA 98837

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
155	GPM	16

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE		ADDITIVE	NON-ADDITIVE	
Group Domestic Supply including lawns and fire protection as needed	155		GPM	16		01/01 - 12/31

PUBLIC WATER SYSTEM INFORMATION

WATER SYSTEM ID	CONNECTIONS
AC131M	28

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	120136307	ALT432	18 N.	27 E.	6	Lot 7	47.07838	119.47665

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Desert Hills Plat, within the N½SE¼ of Section 6, T. 18 N., R. 27 E.W.M. except Lots 3, 4 and 5 being served under QB Permit QB 206(L).

Proposed Works

A well and domestic water distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	September 1, 2018	September 1, 2020

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually during the development of the permit
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.

Domestic exempt wells cannot be drilled within the Desert Hills Plat within the N½SE¼ of Section 6, T. 18 N., R. 27E.W.M. Development of wells for beneficial use within the project (Desert Hill Plat) require a water right authorization.

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting.

Meters shall be required to be installed on the well and annual meter readings shall be submitted during the development of this authorization to confirm actual applied water uses.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of

the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

The current Department of Health water system plan allows for the development of 28 units. At the time of this report, the existing water system has no other water right for domestic water supply other than that described in this authorization. The applicant should contact the Department of Health and re-evaluate the water system plan connections accordingly.

The Grant County Planning office should be notified of the authorized quantity of water to plan building as appropriate. Development shall cease when the annual quantity of water under this authorization is reached unless additional water rights are acquired for the full development. It is anticipated this amount of water is not sufficient for full build-out of this project.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

These lands lie within the Columbia Basin Project. Should contracts or water rights be issued from the Project that include lands developed under this authorization, these lands will be subject to RCW 90.44.510.

If water from facilities of any legally formed irrigation district or contracts with the USBR is used on any or all of the lands described for irrigation and developed herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

RCW 90.44.510 confirms that should water be supplied to these lands and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

Proof of Appropriation

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, contracting with a Certified Water Right Examiner to confirm as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Real Estate Excise Tax

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address

is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that a valid right exists, proposed wells are from the same body of water; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CG3-01508(A)@1, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 28th day of April, 2015.


Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-01508C(A)@1. In considering the proposed application for change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate G3-01508(A) and other water rights/claims/applications in the vicinity; (3) water well reports and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Legal Requirements for Requested Change

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Columbia Basin Herald on April 25 and May 2, 2014 and no protests were received.

The publication was in error. An Amended Public Notice was published in the Columbia Basin Herald on September 3 and 10, 2014. No protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A field investigation was conducted on June 4, 2014. The applicant was not present. The applicant proposes to change the place of use, purpose of use, season of use and change the location of the well. The proposed change is from agricultural irrigation to group domestic supply including lawn irrigation and fire protection as needed. The Plat of Desert Hill encompasses 80 acres. The proposed transfer of 16 acre-feet will be insufficient to satisfy the full development of the approved Plat.

The authorized place of use of G3-01508(A) is located near the westerly edge of the Quincy Sub-basin. The water right authorizes agricultural irrigation of five acres. The five acres was originally part of a

large irrigation pivot. Portions of the certificate were sold to other locations in 2004. Only five acres of the original place of use remained of the underlying right. That property was sold to a new landowner and Ground Water Certificate G3-01508(A) was withheld from the sale. The new landowner of the original place of use applied for and received a Quincy Basin Permit (QB 1463) for the irrigation of a 130 acre pivot. He claimed no interest in the five acre state water right and has signed the application for change.

Aerial photos and power records confirmed agricultural irrigation of a portion of the property from 2004 through 2012. The water right, G3-01508(A) was beneficially used up to 2012. The application for change was filed in March of 2014. The state right was not exercised between 2012 and 2014.

The proposed place of use was platted into 29 lots of various sizes. At the time of the application for change, 15 lots within the subdivision were still owned by the applicant (developer) and the other 15 lots are owned by eight individuals, some owning multiple lots. Roads, power and construction of pipelines to all of the lots has been completed.

At the time of Grant County plat approval, no water right existed for the development. The Desert Hills subdivision proposed domestic supply and irrigation for all of the lots within the plat and this project required a water right. Some development has occurred within the plat.

Lot 3 constructed a residence and an exempt well. The domestic exempt well provided single domestic supply and lawn irrigation for Lot 3. The well (ALT 415) constructed on Lot 3, is described as a six-inch well constructed to a depth of 600 feet, completed within the Columbia River Basalt, with a 35 gpm capacity. This well tested high in nitrates. The applicant indicated this well is operational and hooked into the system but not used as water is being supplied under QB 206(L). This domestic well has been described as a proposed backup well for the water system. This well (ALT415) is not authorized under this authorization as a source well.

Two residences and lawn irrigation are established on Lots 3, 4 and 5. All of the remaining lots are natural grass and sage. These three lots are described as being served under QB Permit QB-206(L). QB-206(L) authorized 42.5 gallons per minute, 16 acre-feet per year for group domestic supply of two homes and non-agricultural irrigation of four acres on these lots.

Two wells have been constructed on Lot 7 of the Plat. Well ALT 432 is an eight-inch well constructed to a depth of 683 feet deep into the Columbia River Basalt. Well BAC 647 is an eight-inch well constructed to a depth of 190 feet in the sands and gravels.

No other development was observed.

The Desert Hills Homeowners Association has obtained a Water System Plan Approval from the Department of Health (AC131). The water system plan identifies well ALT 432, located in Lot 7 as the source well for the system. The plan indicates the total approved connections as 28, and total calculated connections at 1.

The well proposed for the project is the well on Lot 7, (ALT 432). It is an eight-inch well constructed to a depth of 683 feet deep. A second well (BAC 647) was also constructed on Lot 7 in 2010. This well is an eight-inch well constructed to a depth of 190 feet in the sands and gravels. This well was tested and found to be high in nitrates. Well BAC 647 is completed in the sands and gravels, and is not within the

same body of public ground water as source well for G3-01508(A). Well BAC 647 cannot be used under this authorization.

The proposed change is from agricultural irrigation to group domestic supply including lawn irrigation and fire protection as needed. The Plat of Desert Hill encompasses 80 acres. The proposed transfer of 16 acre-feet will be insufficient to satisfy the full development of the approved Plat. Typical use is between two and eight acre-feet per lot dependent upon the area of outdoor irrigation. This authorization would only be sufficient for approximately 2-3 additional units. As identified in QB 206(L) 16 acre-feet was adequate for only two homes and irrigation on Lots 3, 4 and 5. Based on the Lot size and the proposed quantity under this proposed transfer, this water right may only be adequate for a few more properties.

Although the Department of Health approved the water system for 28 units, it is the applicant's and the county's responsibility to ensure adequate water rights exist prior to construction of new homes. The applicant should contact the Department of Health and the County Planning Office to re-evaluate the water system and approved units based on the amount of water available under the existing authorizations.

Evaluation of the Right and Beneficial Use Analysis:

The Washington State Supreme Court, in Okanogan Wilderness v. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), held that Ecology must determine the extent and validity of a water right that is eligible for change before the Department can approve a change or transfer of the water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right. In R.D. Merrill Co. v. Pollution Control Hearings Board, 137 Wn.2d 118, 969 P.2d 458 (1999)

Previous changes to Certificate G3-01508 confirmed a beneficial use of 3.2 acre-feet per acre. The analysis of beneficial use identified in the previous change decision was reviewed and is accepted as a reasonable evaluation of historical beneficial use.

Ground Water Certificate G3-01508(A) was exercised for agricultural irrigation of five acres with no period of non-use exceeding five years. The right appears to represent a valid right and available for change in the amount of 155 gallons per minute, 16 acre-feet per year.

The proposed change is from agricultural irrigation to group domestic supply including lawn irrigation and fire protection as needed.

Other Rights Appurtenant to the source wells

The following right is authorized from the proposed well:

Quincy Basin Artificially Stored Ground Water Permit QB 206(L) authorizes the use of 42.5 gallons per minute, 16 acre-feet per year for domestic supply of two homes and non-agricultural irrigation of four acres on Lots 3, 4 and 5.

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

The existing irrigation well is located in the SE¼NW¼ of Section 25, T. 19 N., R. 23 E.W.M. The well log indicates the well is an eight-inch well constructed to a depth of 148 feet. Basalt was encountered at 40 feet. This existing well is constructed in the Wanapum Formation of the Columbia River Basalt Group (CRBG).

The proposed well (ALT 432) is located on Lot 7 of Desert Hills Plat within the NE¼SE¼ of Section 6, T. 18 N., R. 27 E.W.M. A well log in the file indicates this eight-inch well was constructed to a depth of 683 feet in 2006. Basalt was first encountered at 274 feet. This well is completed in the Wanapum Formation of the Columbia River Basalt Group (CRBG).

Both the original well and the proposed well are constructed in and produce water from the Wanapum formation of the Columbia River Basalt Group and are in the same body of public ground water.

The second well on Lot 7 (BAC 647) is constructed in the sands and gravels. The applicant did not request this as a source well for the proposed change. This well is not in the Columbia River Basalt Group, thus it does not produce water from the same body of public ground water. It cannot be used for the purposes of this authorization.

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

This proposed change in the point of withdrawal, place of use and purpose of use will not increase the amount of water withdrawn from the aquifer nor will it increase the quantities or expand the right.

The existing well is located near the westerly edge of the Quincy Basin. The proposed point of withdrawal is located 22 miles east of the original well just northwest of Potholes Reservoir. The

proposed location is in an area that has experienced complaints over dropping water levels and well interference and required multiple well deepenings in 2013 and 2014.

To assess impact from moving pumping from the authorized well, Ecology assessed incremental impact on nearby wells. The Theis (1935) method as available from USGS (Halford, K.J., and E.L. Kuniansky, 2002; Documentation of Spreadsheets for the Analysis of Aquifer-Test and Slug-Test Data: USGS OFR 02-197) was used to assess impact of moving 155 gpm of intermittent pumping to the proposed well. The software indicates the majority of the impact of the change will be irrigation wells located in the Northeast corner of Section 6. Those wells are screened and completed in overlying sediments. If they were screened into basalt, total drawdown impact to their static levels would approach one-foot of incremental impact over time.

Public Interest Considerations

The proposed change in point of withdrawal, purpose of use, place of use and season of use will not be contrary to the public interest. No additional water quantities are proposed to be withdrawn from the aquifer.

Conclusions

There is a water right available for change/transfer under Ground Water Certificate G3-01508(A) in the amount of 155 gallons per minute, 16 acre-feet per year.

When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:

It is not anticipated that the proposed change/transfer would cause impairment to existing water rights.

No Detriment to the Public Welfare:

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change/transfer.

No Enhancement of the Original Right:

No withdrawal of water over and above what has been put to beneficial use would be authorized through approval of this change.

Same Source of Water:

The ground water to be withdrawn from the proposed well (ALT 432) is supplied by the same body of public water.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:


155 gpm

16 acre-feet per year continuously for group domestic supply including lawns, and fire protection as needed.

Place of Use

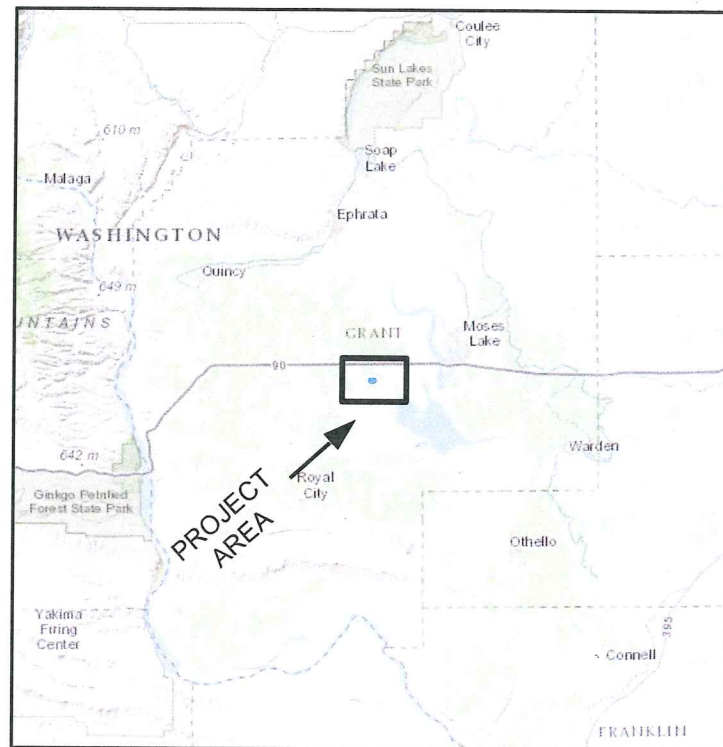
As described on Page 1 of this Report of Examination.


Kevin Brown, Report Writer


Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Desert Hills Homeowners Association
G3-01508C(A)
T18N/R27E



Basemap - (ESRI US Topographic Maps)

Legend



Authorized Place of Use



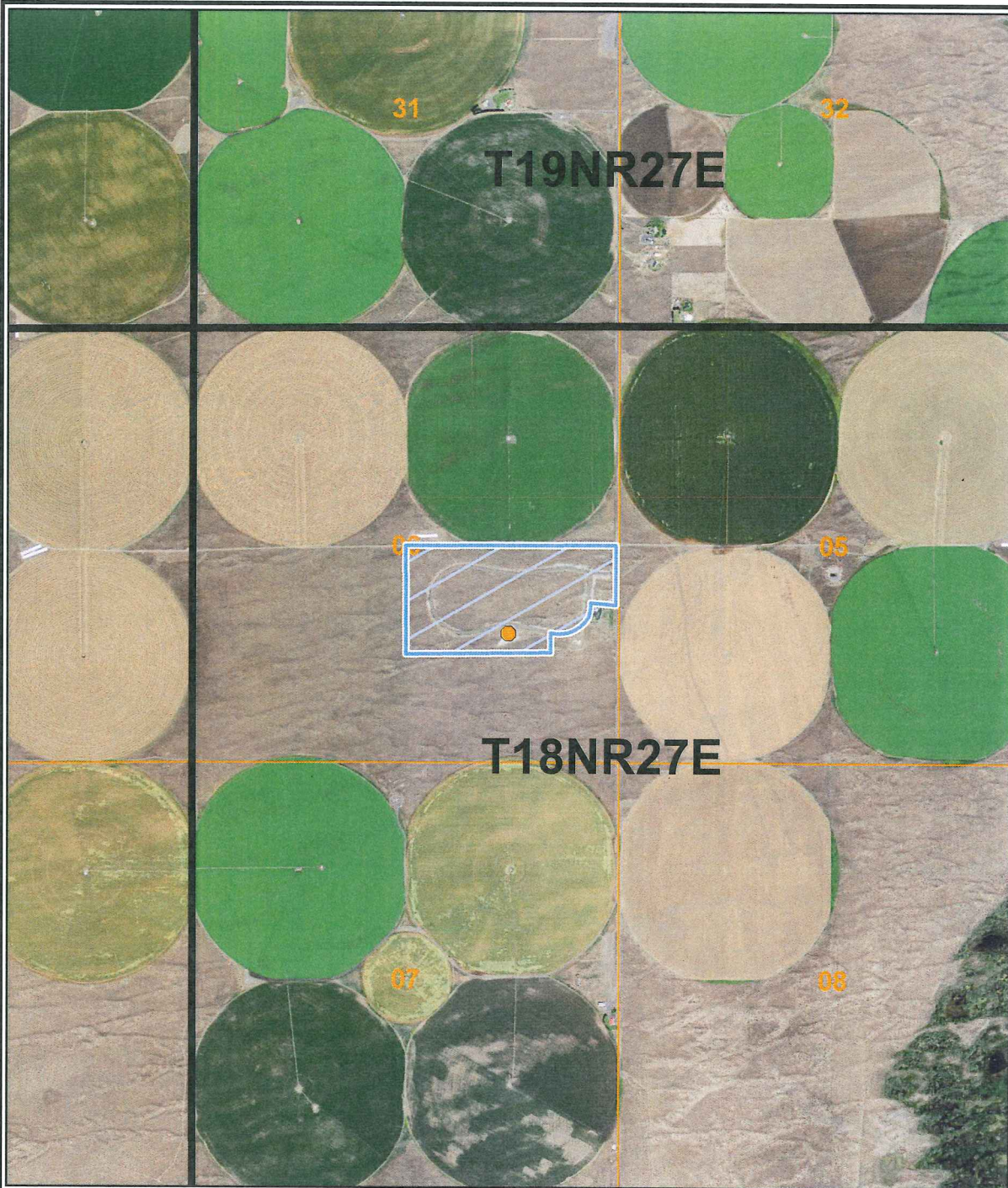
Townships



Sections



Authorized Point of Withdrawal



0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2013 1m color)



Map Date: 4/1/2015



Comment:

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.